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08/948, 328 10/10/97 SIMPSON

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EXAMINER

MCDERMOTT WILL & EMERY  
600 13TH STREET, N.W.  
WASHINGTON DC 20005

HOOSAIN,A

ART UNIT

PAPER NUMBER

2645

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

|                              |                                      |                                       |
|------------------------------|--------------------------------------|---------------------------------------|
| <b>Office Action Summary</b> | Application No.<br><b>08/948,328</b> | Applicant(s)<br><b>Simpson et al.</b> |
|                              | Examiner<br><b>Allan Hoosein</b>     | Group Art Unit<br><b>2645</b>         |

Responsive to communication(s) filed on Appeal Brief, 2/28/01

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-27 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

1. The brief filed on 2/28/01 has been considered. After further review, Examiner has decided to re-open prosecution to address all new arguments made in the Brief. A new first Office Action is given below.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 recites the limitation "the mail system" in lines 13 and 14 respectively. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** (US 5,572,643) in view of **Tel** (US 5,943,648).

As to Claims 1-4, with respect to Figures 1-3, **Judson** teaches a computer system comprising:  
a server, 10, coupled to the Internet (a data communication network), said server being  
programmed to execute sequences of program instructions for:

- (a) obtaining textual information for forming information objects (messages) for a plurality of subscribers, 12,
- (b) performing some or all (a significant portion) of a text to speech process, to convert the textual information of at least one of the information objects (messages) to applets (Col. 6, lines 25-44 and Col. 8, lines 3-21); and

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(c ) transmitting the applets over the data communication network (Col. 8, lines 3-21);

and

a subscriber terminal, 12, for receiving the applets via the data communication network (Col. 6. lines 1-12,32-35 and Col. 8, lines 5-12) .

**Judson** does not teach the following limitations:

(I) speech synthesizer instructions

(II) said subscriber terminal comprising a speech synthesizer for synthesizing a speech waveform signal representing the at least one message from the speech synthesizer instructions

However it is obvious that **Judson** has a speech synthesizer which uses speech synthesizer instructions. This is because **Judson** teaches information objects (messages) which include applets that generate animation figures (Col. 1, lines 34-63 and Col. 8, lines 8-11). The generation of animation figures requires a speech synthesizer and speech synthesizer instructions as is old and well known in the art. **Tel** teaches a terminal with a speech synthesizer and generation of animation objects using speech synthesizer instructions (Figure 1, label 104, Col. 3, lines 5-12 and Col. 6, lines 1-48). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add speech synthesizer capability to **Judson's** invention to convey messages aurally and visually as taught by **Tel** in order to provide enhanced display of useful information.

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As to Claim 7, in addition to the information above, **Judson** further teaches a computer system as in Claim 1, further comprising an e-mail system for receiving e-mail messages for subscribers and supplying the e-mail messages as the textual information to the server for conversion and transmission to the subscriber terminal (Col. 6, lines 26-44).

6. Claims 11-12, 14-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** in view of **Tel** and further in view of **Hertz** (J. Acoust. Soc. Am. Vol. 72, No. 4, October 1982).

As to Claim 11, **Judson** teaches a system as in Claim 1.

**Judson** does not teach the following limitations:

(I) wherein the speech synthesizer comprises:

- (a) a memory storing a plurality of fundamental sound samples, in digitized form
- (b) a concatenative speech synthesizer responsive to the instruction, for processing samples from the memory in an order specified by the instructions and to control parameters of each of the processed samples in a manner specified in the instructions, to thereby generate the speech waveform signal

**Tel** teaches limitations (a)-(b) (Col. 6, lines 26-29 and 41-48). **Hertz** teaches limitations (a)-(b) (Page 1154, Introduction, lines 18-20, Page 1167, Use, lines 6-10 and Page 1168, Col. 1, last paragraph). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add concatenative speech synthesizer and

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fundamental sound samples capability to **Judson's** invention to convey messages aurally and visually as taught by **Tel's** and **Hertz's** inventions in order to provide enhanced display of useful information.

As to Claim 12, with respect to Figure 1, **Judson** teaches a network server, 10, comprising:

a computer, 12, coupled to a data communication network, said computer being programmed to execute link processes for:

- (a) obtaining textual information for information objects (messages) for a plurality of subscribers (Col. 7, lines 38-44);
- (b) performing some or all (a significant portion) of an information object to convert the information of the information objects (messages) to visual displays (Col. 6, lines 25-44 and Col. 8, lines 3-21); and
- (c ) transmitting applets representing the information objects (messages), over the data communication network to subscriber terminals for visual displays (wave form generation) in response thereto.

**Judson** does not teach the following limitations:

- (I) sequences of program instructions
- (II) text to speech process
- (III) speech synthesizer instructions
- (IV) each speech synthesizer instruction identifying a fundamental sound and at least

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one control parameter for controlling generation of a waveform corresponding to the fundamental sound

**Tel** teaches limitations (I)-(III) (Figure 1, label 104, Col. 3, lines 5-12 and Col. 6, lines 1-48). **Hertz** teaches limitation (IV) (Page 1154, Introduction, lines 18-20, Page 1167, Use, lines 6-10 and Page 1168, Col. 1, last paragraph). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add speech synthesizer and fundamental sound capability to **Judson's** invention to convey messages aurally and visually as taught by **Tel's** and **Hertz's** inventions in order to provide enhanced display of useful information.

As to Claims 14-15,18, with respect to Figures 1-2, **Judson** teaches a communication terminal device, comprising:

a data interface, 50,56, for receiving data from a communication network;  
a programmable central processing unit for processing the received data to capture applets contained in the received data (Col. 6, lines 1-12 and Col. 8, lines 3-8);  
a memory storing a plurality of applets in digitized form (Col. 5, lines 61-64 and Col. 8, lines 5-8).

**Judson** does not teach the following limitations:

(I) speech synthesizer instructions

(II) fundamental sound samples

(III)a concatenative speech synthesizer responsive to the instructions, for processing samples from the memory in an order specified by the instructions and to control parameters of a waveform signal synthesized from the processed samples in a

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manner specified in the instructions.

**Tel** teaches limitations (I)-(III) (Figure 1, label 104, Col. 3, lines 5-12 and Col. 6, lines 1-48). **Hertz** teaches limitation (I)-(III) (Page 1154, Introduction, lines 18-20, Page 1167, Use, lines 6-10 and Page 1168, Col. 1, last paragraph). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add speech synthesizer and fundamental sound capability to **Judson's** invention to convey messages aurally and visually as taught by **Tel's** and **Hertz's** inventions in order to provide enhanced display of useful information.

7. Claims 5-6, 16-17, 21,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** in view of **Tel** and further in view of **Parzych** (US 6,115,384).

As to Claim 5-6,16-17,21,24, **Judson** teaches a computer system as in claim 4, wherein the modem comprises a network (Col. 4, lines 33-35).

**Judson** does not teach the following limitation:

“a wireless network data modem”

**Parzych** teaches the limitation (Col. 2, lines 1-5, 11-20, and Figure 2). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add wireless capability to **Judson's** invention for accessing data networks as taught by

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**Parzych's** invention in order to provide a cost-effective and efficient data communications system.

4. Claim 8 is rejected under 35 U. S. C. 103 (a) as being unpatentable over **Judson** in view of **Tel** and further in view of **Meske, Jr. et al.** (US 5,530,852) and **Gordon** (US 5,608,786).

As to Claim 8 **Judson** further teaches a client-server computer system as in claim 7, further comprising a server, said server being programmed to execute sequences of program instructions for:

storing profile information regarding topics of interest to individual subscribers (Col. 4, lines 47-51 and Col. 7, lines 13-25);

receiving and storing items, from one or more sources (Col. 7, lines 2-17);

comparing the stored items to the stored profile information to identify items of interest to each individual subscriber (Col. 7, lines 10- 13);

addressing information objects (mail messages) containing text information representing the items of interest to subscribers terminal browsers (mailboxes) (Col. 8, lines 3-12);

transmitting the information objects (mail messages) containing text information representing the items of interest to the client-server system (mail system) (Col. 5, lines 40-48 and Col. 8, lines 3-5).

**Judson** does not teach the following limitations:

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(I) a news information server

(II) news topics of interest

(III) a mail system

However it is obvious that **Judson** teaches the limitations. This is because **Judson** teaches accessing and receiving information using news transfer protocols (Col. 4, lines 47-51). **Meske, Jr.** teaches addressing and transmission of e-mail messages from news sources (Col. 6, lines 1-60). Gordon teaches a mail system (Col. 1, lines 5-13 and Figure 2). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add news and mail capability to **Judson's** invention for supporting other Internet services as taught by **Meske, Jr.'s** invention in order to provide information based on user defined profiles and the user with significantly more freedom and choice regarding message retrieval.

8. Claims 10, 19-20, 22-23 and 25 are rejected under 35 U. S. C. 103 (a) as being unpatentable over **Judson** in view of **Tel** and further in view of **Meske, Jr. et al.** (US 5,530,852).

As to Claim 10 **Judson** further teaches a client server computer system as in claim 1, wherein the server also is programmed to execute sequences of program instructions for:

storing profile information regarding topics of interest to individual subscribers (Col. 4, lines 47-51 and Col. 7, lines 13-25);

receiving and storing items, from one or more sources (Col. 7, lines 2-17);

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comparing the stored items to the stored profile information to identify items of interest to each individual subscriber (Col. 7, lines 10- 13);

wherein said textual information of at least one of the messages comprises one of the identified items (Col. 7, lines 26-44).

**Judson** does not teach the following limitations:

- (I) a news information server
- (II) news topics of interest

However it is obvious that **Judson** teaches the limitations. This is because **Judson** teaches accessing and receiving information using news transfer protocols (Col. 4, lines 47-51). **Meske, Jr.** teaches addressing and transmission of e-mail messages from news sources (Col. 6, lines 1-60). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add news capability to **Judson's** invention for supporting other Internet services as taught by **Meske, Jr.'s.** invention in order to provide information based on user defined profiles.

As to Claims 19-20,22-23,25, with respect to Figures 1-2, **Judson** teaches a method of providing personalized information services, comprising:

storing access history (subscriber profiles) relating to information objects of interest to a plurality of individual subscribers (Col. 7, lines 6-25);

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receiving information objects (items of information) from a plurality of sources (Col. 7, lines 5-21);

comparing the information objects (items of information) to the access history (subscriber profiles) to identify information objects (items of interest) to particular subscribers (Col. 7, lines 6-17);

converting textual information relating to at least some of the identified information objects (items of interest) to sequences of applets (Col. 8, lines 3-6);

transmitting each of the sequences of applets to one or more terminals, each terminal being utilized by a subscriber (Col. 8, lines 3-6);

storing received sequences of applets in respective subscriber terminals (Col. 8, lines 6-8);  
in response to one of the sequences of applets generating aural and visual outputs (Col. 6, lines 31-35 and Col. 8, lines 8-11).

**Judson** does not teach the following limitations:

(I) topics of interest

(II) speech synthesizer instructions

(III) retrieving sound samples from memory in an order specified by the one sequence of instructions and adjusting process parameters for the retrieved samples in a manner specified by the one sequence of instructions, to thereby generate a speech waveform signal representative of one of the identified items of interest

**Meske, Jr.** teaches topics of interest from news sources (Col. 6, lines 1-60). Tel teaches speech synthesizer instructions and limitation (III) (Col. ). Having the cited art at the time

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the invention was made, it would have been obvious to one of ordinary skill in the art to add news topics and speech synthesizer capability to **Judson's** invention for generating aural and visual outputs as taught by **Tel's** and **Meske, Jr.'s.** inventions in order to provide enhanced display of useful information.

9. Claim 9 is rejected under 35 U. S. C. 103 (a) as being unpatentable over **Judson** in view of **Tel** and further in view of **Gordon** (US 5,608,786).

As to Claim 9, **Judson** teaches a system as in Claim 1 with a WEB server.

**Judson** does not teach the following limitation:

"a unified message management platform for receiving mail messages for subscribers in a plurality of different formats including text format, and at least one other format, converting mail messages from the at least one other format to the text format, and supplying the text format mail messages to the server as the textual information for conversion and transmission to the subscriber terminal

**Gordon** teaches the limitation (Figures 2-3, Col. 1, lines 5-13 and Col. 5, lines 1-11). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add unified message capability to Judson's invention for convenient access to messaging services as taught by Gordon's invention in order to provide significantly more freedom and choice regarding message retrieval.

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10. Claim 13 is rejected under 35 U. S. C. 103 (a) as being unpatentable over **Judson** in view of **Tel and Hertz** and further in view of **Meske, Jr. et al.** (US 5,530,852).

As to Claim 13 **Judson** further teaches a network server as in claim 12, further comprising a network server, said server being programmed to execute sequences of program instructions for:

storing profile information regarding topics of interest to individual subscribers (Col. 4, lines 47-51 and Col. 7, lines 13-25);

receiving and storing items, from one or more sources (Col. 7, lines 2-17);

comparing the stored items to the stored profile information to identify items of interest to each individual subscriber (Col. 7, lines 10- 13);

wherein said textual information of at least one of the messages comprises one of the identified items (Col. 7, lines 26-44).

**Judson** does not teach the following limitations:

“news topics of interest”

However it is obvious that **Judson** teaches the limitations. This is because **Judson** teaches accessing and receiving information using news transfer protocols (Col. 4, lines 47-51). **Meske, Jr.** teaches addressing and transmission of e-mail messages from news sources (Col. 6, lines 1-60). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add news capability to **Judson’s** invention for supporting other

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Internet services as taught by **Meske, Jr.'s.** invention in order to provide information based on user defined profiles.

11. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** in view of **Tel** and further in view of **Boss et al.** (US 5,915,237).

As to Claim 26, **Judson** teaches a communication terminal as recited in Claim 14, wherein said aural output are in the form of applets (Col. 8, lines 8-12).

**Judson** does not teach the following limitations:

“speech synthesizer instructions in the form of MIDI commands”

**Tel** teaches prosodic speech synthesizer instructions (Col. 4, lines 28-34). **Boss** teaches MIDI commands (Col. 2, lines 48-54, Col. 3, lines 1-36 and Col. 6, lines 22-28). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add prosodic and MIDI capability to **Judson's** invention for measuring prosodic parameters as taught by **Tel's** and **Boss'** inventions in order to permit accurate and natural sounding reconstruction of the speech signal.

As to Claim 27, with respect to Figures 1-3, **Judson** teaches a client server system comprising:  
a server coupled to a data communication network, said server being programmed to execute applets for:

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(a) obtaining textual information for forming information objects (messages) for a plurality of subscribers (Col. 7, lines 13-25);

(b) performing some or all (a significant portion) of a message process to convert the information of at least one of the information objects (messages) to aural or visual outputs (Col. 6, lines 32-35); and

(c ) transmitting the applets over the data communication network (Col. 6, lines 32-35); and

a subscriber terminal, 12, for receiving the applets via the data communication network.

**Judson** does not teach the following limitations:

(I) sequences of program instructions

(II) speech synthesizer instructions in the form of MIDI commands

(III) a speech synthesizer for synthesizing a speech waveform signal representing the at least one message from the speech synthesizer instructions.

However it is obvious that the **Judson** primary reference has a speech synthesizer which uses speech synthesizer instructions. This is because **Judson** teaches information objects (messages) which include applets that generate animation figures (Col. 1, lines 34-63 and Col. 8, lines 8-11). The generation of animation figures requires a speech synthesizer and speech synthesizer instructions as is old and well known in the art. **Tel** teaches a terminal with a speech synthesizer and generation of animation objects using speech synthesizer instructions including

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prosodic parameters (Figure 1, label 104, Col. 4, lines 28-34, Col. 3, lines 5-12 and Col. 6, lines 1-48). **Boss** teaches MIDI commands (Col. 2, lines 48-54, Col. 3, lines 1-36 and Col. 6, lines 22-28). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add speech synthesizer, prosodic and MIDI capability to **Judson's** invention for measuring prosodic parameters as taught by **Tel's** and **Boss'** inventions in order to permit accurate and natural sounding reconstruction of the speech signal.

*Conclusion*

12 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**None**

13. Any response to this action should be mailed to:

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Washington, D.C. 20231

**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

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Or:

(703) 308-6296 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 7 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Krista Zele**, can be reached on (703) 305-4701.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Allan Hoosain*  
**Allan Hoosain**  
**Primary Examiner**  
**April 18, 2001**